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Ref: 8EPR-N

Eric Winthers, Acting District Ranger
Pinedale Ranger District
Bridger-Teton National Forest
P.O. Box 220
Pinedale, WY 82941

RE: EPA Comments on Draft Supplemental Environmental Impact Statement, Upper Green River Area Rangeland Project, CEQ # 20100219

Dear Mr. Winthers:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4321, *et seq.*, and Section 309 of the Clean Air Act, 42 U.S.C. Section 7609, the U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the June 2010 Draft Supplemental Environmental Impact Statement (DSEIS) for the Upper Green River Area Rangeland Project. This DSEIS was prepared by the Pinedale Ranger District of the U.S. Department of Agriculture Forest Service (USFS) Bridger-Teton National Forest to analyze the effects of domestic livestock grazing on the proposed six allotments in the Upper Green River area. The project area is comprised of approximately 169,000 acres administered by the USFS in portions of Sublette, Teton, and Fremont counties in western Wyoming. The headwaters of both the Green River drainage of the Colorado River System and the Gros Ventre River drainage of the Snake/Columbia River Basin System are included in the project area.

This analysis is intended to update and supplement a 2004 Draft Environmental Impact Statement (DEIS) that was prepared for the project. Based on public comments received during the development of the 2004 DEIS, the USFS identified the following areas of concern: (1) threatened, endangered, and sensitive species, (2) riparian and aquatic conditions, (3) social and economic impacts, and (4) rangeland function. The Pinedale Ranger District proposes to authorize continued grazing use within the project area, under updated grazing management direction, including implementing site-specific grazing use limits, rotational grazing systems, and range improvements. This specific management regime is designed to sustain ecological conditions where they are meeting desired conditions and to improve the ecological conditions where they do not meet desired conditions.

There are currently 21 term grazing permit holders in the project area with 46,107 Animal Unit Months (AUMs) authorized for grazing a total of approximately 9,100 head of cattle and 50 horses in the six allotments of the project area. A brief overview of the six allotments indicates that in most cases existing ground cover meets desired rangeland resource conditions (although it appears that some data are missing or outdated); however, monitoring identified a few instances where objectives may not have been achieved, *e.g.*, sage/grass cover at some sites in the Upper Green and Beaver-Twin Allotments, tall forb vegetation at one site in the Beaver-Twin Allotment, and riparian vegetation at sites in the Noble Pastures and Wagon Creek Allotments. In addition, soils are in satisfactory condition and wetlands have robust vegetation reflective of healthy conditions. Current authorized livestock use is as follows:

- Badger Creek Allotment (7,300 acres) - The USFS currently allows grazing of 622 Animal Unit Months (AUMs) in a season-long grazing system during the July 1 – September 30 established season of use.
- Beaver-Twin Creeks Allotment (22,300 acres) - The USFS currently allows grazing of 2,772 AUMs in a season-long grazing system during the July 15 – October 15 established season of use.
- Noble Pastures Allotment (760 acres) - The USFS currently allows grazing of 1,605 AUMs in a rotational grazing system during the June 14 – September 20 established season of use.
- Roaring Fork Allotment (8,300 acres) - The USFS currently allows grazing of 898 AUMs in a season-long grazing system during the June 16 – October 15 established season of use. Although rotational grazing is often accomplished in this allotment through the Annual Operating Instructions (AOIs), no formal grazing rotation has been required to date.
- Upper Green River Allotment (130,100 acres) - The USFS currently allows 40,107 AUMs in a rotation grazing system during the June 16 – October 15 established season of use. This is the largest allotment in the National Forest System.
- Wagon Creek Allotment (240 acres) - The USFS currently allows 103 AUMs in a rotation grazing system during the July 15 - October 15 established season of use.

The three alternatives analyzed in the DSEIS are Alternative A (Grazing as Currently Permitted), Alternative B (Modified Grazing Management), and Alternative C (No Livestock Grazing - No Action Alternative). Alternative A would continue to authorize livestock grazing on all six allotments following the existing management practices. Alternative B, the Preferred Alternative, would reauthorize grazing on all six allotments with new objectives and adaptive management techniques specified for each allotment in order to move resource conditions toward goals and desired future conditions. Rotational grazing systems would be incorporated into the Badger Creek, Beaver-Twin Creeks, and Roaring Fork Allotments. Alternative C would eventually eliminate livestock grazing in the project area by phasing out grazing over several years as existing permits expire. Approximately 75 miles of existing interior fence, two water developments, four rider cabins/facilities, and nine water crossings would be removed.

In an April 22, 2004 letter, EPA provided comments on the DEIS for this project, and we

appreciate that the USFS addressed many of our comments in the current supplemental document. As a result, our concerns with the June 2010 DSEIS have been narrowed to these remaining issues: (1) adaptive management and monitoring; (2) rangeland vegetation resources; (3) cultural resources; (4) aquatic resources; and (5) threatened, endangered, and sensitive (TES) species. These concerns are the basis for the EPA rating discussed at the conclusion of this letter.

Adaptive Management and Monitoring

We support the USFS efforts to reduce grazing impacts through the use of best management practices (BMPs) and adaptive management strategies to protect sensitive soils, wetlands, riparian areas, meadows, stream crossings, and critical habitat. We are pleased with the adaptive management options that may be exercised under Alternative B, as may be warranted based on monitoring results.

However, we recommend that consideration be given to further expanding the list of adaptive management options. Specifically, if monitoring does not indicate progress toward desired conditions, it may be necessary to lower allowable use percentages and/or to increase residual riparian stubble height to six inches in affected pastures. In addition, we support broad consideration of adaptive management techniques, such as exclusions and upland water developments, whenever feasible to protect streams, wetlands, riparian corridors, and fishery spawning areas. We also recommend protection of stream corridors through use of a minimum 100 foot buffer, particularly where grazing may contribute to pathogen, sediment, and/or temperature concerns. Reducing stocking rates and/or duration of the grazing season may be necessary where resource management objectives are not being met. Modifications to the season of use and allotment boundaries are other adaptive management tools available. We recommend that the Final Environmental Impact Statement (FEIS) specify both positive and negative potential impacts of each adaptive management technique included.

Generally, we are pleased with the additional monitoring requirements under Alternative B. However, we recommend that more detail be provided regarding the timing of monitoring for water quality, wildlife impacts, and soil quality parameters. Timely monitoring is particularly important given the high resource values of the project area and concerns associated with TES species. In addition, an explanation should be provided regarding the general timing of adaptive management implementation given that effectiveness monitoring may only occur every 5-10 years on pastures without regularly scheduled rest years. We recommend that shorter timeframes be considered if undesirable results are encountered sooner than 5-10 years. Also, long-term goals should be established for achieving positive trends and desired conditions for currently degraded streams and riparian areas.

Effectiveness monitoring is used to determine whether BMPs, standards, and guidelines, as designed and implemented, are effective in accomplishing the desired result. Since project-specific effectiveness monitoring was determined to be an important aspect of the Upper Green River Area Rangeland Project, a firm commitment to such monitoring should be included in the FEIS. Adaptive management cannot be employed without the full implementation of a

comprehensive monitoring program. Consequently, an environmentally conservative default management plan should be defined in case adequate resources for monitoring are not secured. In addition, the FEIS should include a discussion of how the Annual Operating Instructions will ensure compliance with monitoring requirements.

Rangeland Vegetation Resources

EPA is concerned with the outdated information presented in Table 3.4, Ground Cover Readings. While more recent data is provided for the Upper Green River Allotment, nothing more recent than 2002 data is provided for the Roaring Fork, Beaver-Twin Creeks, Noble Pastures, and Wagon Creek Allotments. No data is presented for the Badger Creek Allotment. We recommend that this table be revised in order to more accurately represent current conditions in all allotments.

In addition, while there is a thorough assessment of forage available for livestock grazing, there is less analysis related to whether there will be adequate forage left for wildlife. Since forage impacts to wildlife resources are discussed later in the DSEIS, we recommend that the Rangeland Vegetation Resources section include an assessment of annual vegetation production for the plant communities within the allotments, and impacts related to grazing. Such information is necessary to determine whether there is adequate forage to meet the needs of livestock and wildlife in the area while still protecting related stream and riparian resources. Impacts related to grazing should also address any resulting changes in forest stand composition as it relates to fire fuels and fire risks.

Cultural Resources

It is unclear whether the Wyoming State Historic Preservation Office has concurred with your determination that no historic properties would be affected by continued livestock grazing on the six allotments of the project area. Please clarify in the FEIS.

Aquatic Resources

Wetlands: EPA notes Executive Order (EO) 11990 - Protection of Wetlands (May 24, 1977) states in pertinent part: "Section 1. (a) Each agency shall provide leadership and shall take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities for (1) acquiring, managing, and disposing of Federal lands and facilities; and (2) providing Federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities. (b) This Order does not apply to the issuance by Federal agencies of permits, licenses or allocations to private parties for activities involving wetlands on non-Federal property." USFS should more fully document how EO 11990 will be carried out with regard to this project.

Surface Water: The project area includes rivers and creeks of high resource value. The DSEIS notes that the Green River is considered Class 1 water (outstanding) and North Beaver Creek, Little Twin and Big Twin Creeks, Jim Creek, Gypsum Creek, Rock Creek, Lime Creek, Klondike Creek, Tosi Creek, Tepee Creek, Roaring Fork, and Wagon Creek are all Class 2AB waters (support game fish populations or spawning and nursery areas). We recommend additional tables to clearly identify water bodies in the project area that are identified as having beneficial uses, including agriculture, fisheries, drinking water, and recreation, as well as any threatened or impaired water bodies included on the State of Wyoming's Clean Water Act Section 303(d) list.

Stream channel conditions are outlined for most of the creeks in the project area; however, no assessment is provided for the Green River, Jim Creek, Rock Creek, or Lime Creek. Such an assessment should be included in the FEIS. The DSEIS also notes that additional stream bank stability/trampling measurements are needed to provide a more complete overall picture of stream health and livestock-caused damage. If these additional measurements are not completed in time for inclusion in the FEIS, then a schedule for conducting such assessments should be included in the monitoring plan.

EPA is concerned with the limited water quality data presented in the DSEIS. While there is a qualitative discussion indicating that all water quality parameters meet State of Wyoming water quality criteria, no data are presented to support that conclusion. As you know, grazing may degrade water quality through increased temperature, sedimentation, and loading of nutrients and pathogens. We recommend that you include any water quality data available now for the area, and establish a long-term monitoring plan to document existing conditions and to track effectiveness of management practices. The following water quality parameters should be included: turbidity; *E. coli*; nutrient concentrations (total phosphorus and total nitrogen or ammonia); and any other parameters necessary to address potential concerns identified through the State of Wyoming's impaired water body listing for this area. Given the special resource values of the area, including TES species and other wildlife, as well as high quality water resources, we believe a water quality monitoring plan is a necessary tool in efforts to achieve and/or maintain desired watershed conditions.

Threatened, Endangered, and Sensitive (TES) Species

The project area contains numerous special status species, including the endangered Kendall Warm Springs Dace, the threatened Grizzly Bear and Canada Lynx, the experimental population of Northern Rocky Mountain Gray Wolf, and the candidate species Greater Sage-grouse. Based on conversations with the U.S. Fish and Wildlife Service (USFWS), we understand that although the USFS has been coordinating with USFWS on this project, the Biological Assessment has not been completed, nor have consultations been completed as necessary to satisfy Endangered Species Act Section 7 requirements. Based on your determination that the preferred alternative "may affect – likely to adversely affect" the Grizzly Bear, at a minimum it appears that the USFWS would require conservation measures and terms and conditions to protect the Grizzly Bear population in the project area. We would expect that

the results of consultation, including any USFWS requirements, would be discussed in detail in the FEIS for this project.

In addition, we recommend the addition of an adaptive management strategy that could be implemented if monitoring indicates excessive livestock conflicts associated with Grizzly Bears or Gray Wolves. For example, if direct mortality results due to predation, consideration of reducing or eliminating cow/calf pairs in the area of concern may be necessary.

EPA's Rating and Recommendation

Consistent with Section 309 of the Clean Air Act, it is EPA's responsibility to provide an independent review and evaluation of the potential environmental impacts of this project. Based on the procedures EPA uses to evaluate the adequacy of the information and the potential environmental impacts of the proposed action, EPA is rating this DSEIS as Environmental Concerns – Insufficient Information (EC-2). The "EC" rating indicates that EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. The "2" rating indicates that EPA has identified additional information, data, analyses, or discussion that should be included in the Final Environmental Impact Statement. A full description of EPA's rating system is enclosed.

We hope that our comments regarding rangeland vegetation resources, cultural resources, aquatic resources, and TES species will assist you in further reducing the environmental impacts of this project. In addition, we look forward to seeing further detail regarding the adaptive management and monitoring plans in your Final EIS.

We appreciate the opportunity to review and comment on this Draft Supplemental EIS. If we may provide further explanation of our comments, please contact me at 303-312-6004, or your staff may contact Amy Platt at 303-312-6449.

Sincerely,

Larry Svoboda
Director, NEPA Compliance and Review Program
Ecosystems Protection and Remediation

Enclosure